

AMENDMENT TO H.R. 4278
OFFERED BY MRS. NAPOLITANO OF CALIFORNIA

Page 2, after line 11, add the following new section:

1 **SEC. 3. PROTECTION FROM INCREASED RISK OF FLOOD-**
2 **ING.**

3 Section 404(f) of such Act is further amended by
4 adding at the end the following new paragraph:

5 “(3) Any discharge of dredged or fill material
6 into the navigable waters incidental to any activity
7 having as its purpose bringing an area of the navi-
8 gable waters into a use to which it was not pre-
9 viously subject, where the flow or circulation of navi-
10 gable waters may be impaired or the reach of such
11 waters be reduced, shall be required to have a per-
12 mit under this section if the Secretary, in coordina-
13 tion with the Administrator, determines that such
14 discharge has the potential to increase the risk of
15 flooding, including—

16 “(A) flooding in a State other than the one
17 in which the discharge will occur; or

18 “(B) flooding that adversely impacts public
19 infrastructure, including infrastructure related

1 to transportation systems, flood damage reduc-
2 tion projects, or power generation.”.

